

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**MAY 17 2017**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION, )

P.O. Box 1370 )

Jefferson City, MO 65102 )

Petitioner, )

v. )

Case No. 16-0109-I

RAY COUNTY REPUBLICAN )

CENTRAL COMMITTEE, )

SUSAN EDWARDS, )

Treasurer, )

and )

ELEANOR COVEY, )

Former Treasurer, )

Respondents. )

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
BEFORE THE MISSOURI ETHICS COMMISSION, AND  
CONSENT ORDER WITH JOINT PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, Ray County Republican Central Committee, Susan Edwards and Eleanor Covey, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the

record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents' behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

# **I.**

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

## **JOINT PROPOSED FINDINGS OF FACT**

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent Ray County Republican Central Committee is a political party committee that is registered with the Missouri Ethics Commission.

3. Respondent Covey was the previous treasurer for Respondent Ray County Republican Central Committee from December 2014 to August 2016. An amended Statement of Committee Organization was received on August 31, 2016 and named Respondent Edwards as treasurer for the committee.

4. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

### **COUNT I**

#### *Failure to file campaign finance disclosure reports*

6. The Committee's last full disclosure report filed was the 2014 October Quarterly Report.

7. The Committee had contributions and expenditures aggregating to more than \$500.00 between October 2014 and March 2016, which required the Committee to file a full disclosure report for the 2016 April Quarterly Report; however, Respondents incorrectly filed a 2016 April Quarterly Limited Activity Statement.

8. The Committee had contributions and expenditures aggregating to more than \$500.00 between April 1, 2016 and October 27, 2016, which required the Committee to file a full disclosure report from April 1, 2016 to October 27, 2016, and an 8 Day Before General Election Report.

### **COUNT II**

#### *Failure to timely and accurately report contributions received*

9. Respondents failed to report a \$33.00 contribution received on or about October 17, 2016 that should have been reported on the 8 Day Before General Election Report.

10. Respondents failed to timely report the receipt of \$150.00 on March 1, 2016 from the Country Clerk's office for filling fees and an in-kind contribution of \$50.00 from Dave Powell on May 1, 2016.

### COUNT III

#### *Failure to timely report expenditures and contributions made*

11. Respondents failed to report two expenditures totaling \$55.00.

12. Respondents failed to timely report the following nineteen (19) expenditures totaling \$550.00 on the April 2016 Quarterly Report:

Expenditure Recipient	Amount	Date	Report Not Showing Expenditure
ACH Debit Xylem Software L Ach	\$30.00	10/2/14	April Quarterly 2016
ACH Debit Xylem Software L Ach	\$30.00	11/3/14	
ACH Debit Xylem Software L Ach	\$30.00	12/2/14	
Pay First Check	\$10.00	12/15/14	
ACH Debit Xylem Software L Ach	\$30.00	1/2/15	
ACH Debit Xylem Software L Ach	\$30.00	2/2/15	
ACH Debit Xylem Software L Ach	\$30.00	3/2/15	
ACH Debit Xylem Software L Ach	\$30.00	4/2/15	
ACH Debit Xylem Software L Ach	\$30.00	5/4/15	
ACH Debit Xylem Software L Ach	\$30.00	6/1/15	
ACH Debit Xylem Software L Ach	\$30.00	7/2/15	
ACH Debit Xylem Software L Ach	\$30.00	8/3/15	
ACH Debit Xylem Software L Ach	\$30.00	9/1/15	
ACH Debit Xylem Software L Ach	\$30.00	10/2/15	
ACH Debit Xylem Software L Ach	\$30.00	11/2/15	
ACH Debit Xylem Software L Ach	\$30.00	12/1/15	
ACH Debit Xylem Software L Ach	\$30.00	1/1/16	
ACH Debit Xylem Software L Ach	\$30.00	2/2/16	
ACH Debit Xylem Software L Ach	\$30.00	3/2/16	
<b>TOTAL</b>	<b>550.00</b>		

13. Respondents failed to timely report the following twelve (12) expenditures totaling \$1,508.31 on the 2016 8 Day Before Election Report:

Expenditure Name	Amount	Date	Report Not Showing Expenditure
ACH Debit Xylem Software L Ach	\$30.00	4/1/16	8 Day Before General Election 2016
ACH Debit Xylem Software L Ach	\$30.00	5/2/16	
ACH Debit Xylem Software L Ach	\$30.00	6/2/16	
ACH Debit Xylem Software L Ach	\$30.00	7/5/16	
ACH Debit Xylem Software L Ach	\$30.00	8/2/16	
ACH Debit Xylem Software L Ach	\$30.00	9/2/16	

Expenditure Name	Amount	Date	Report Not Showing Expenditure
Dan Powell	\$50.00	9/8/16	
Kit Smith	\$50.00	9/8/16	
Dollar General	\$61.89	10/20/16	
Kit Smith	\$940.00	10/12/16	
Steve Edwards	\$201.42	10/25/16	
Unknown	\$25.00	Between 10/1/16 - 10/27/16	
<b>TOTAL</b>	<b>\$1,508.31</b>		

14. Respondents failed to timely report two contributions made totaling \$300.00, which should have been reported on the 2016 8 Day Before Election Report.

Committee Name	Contribution Made	Date	Report Not Showing Contribution Made
Committee to Elect Shannon Wollard	\$150.00	10/27/16	8 Day Before General Election 2016
The Committee to Elect Cole Noble	\$150.00	10/27/16	

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Failure to file campaign finance disclosure reports*

15. Pursuant to § 130.046.5(2), RSMo, “no disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.”

16. In the instance that a committee does not meet the monetary threshold stated in the above-mentioned § 130.046.5(2), RSMo, it may file a Limited Activity Statement.

17. Committees must file regular campaign finance disclosure reports at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

...

(3) Not later than the fifteenth day following the close of each calendar quarter.

§130.046.1, RSMo.

18. There is probable cause to believe that Respondents violated Sections 130.046.1 and 130.046.5(2), RSMo, by filing a Limited Activity Statement for the 2016 April Quarterly Report when they should have filed a full disclosure report for the April Quarterly Report, and by failing to file an 8 Day Before General Election Report, and that Respondents did so knowingly.

#### **COUNT II**

##### *Failure to timely and accurately report contributions received*

19. Candidate committees are required to report receipts for each reporting period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make

a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

§ 130.041.1(3), RSMo.

20. There is probable cause to believe that Respondents violated Sections 130.041.1(3), RSMo, by failing to report a \$33.00 contribution, failing to timely report a \$150.00 monetary contribution and a \$50.00 in-kind contribution, and that Respondents did so knowingly.

### COUNT III

#### *Failure to timely report expenditures and contributions made*

21. Pursuant to Section 130.041.1(4), RSMo, Respondents were required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

22. "A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;" § 130.041.1(9), RSMo.

23. There is probable cause to believe that Respondents violated Sections 130.041.1(4)(a), 130.041.1(4)(a)(b), and 130.041.1(9) RSMo, by failing to report expenditures

totaling \$55.00, failing to timely report nineteen (19) expenditures totaling \$550.00, failing to timely report twelve (12) expenditures totaling \$1,508.31, and failing to timely report two contributions made totaling \$300.00, and that Respondents did so knowingly.

## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
  - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
  - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200.00 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
  - c. Regardless of the stay in paragraph 2.b above, if any Respondent commits any further violation of the campaign finance disclosure laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents



will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed such a violation.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

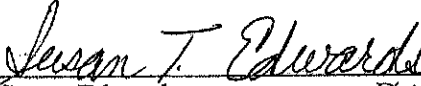
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT RAY COUNTY CENTRAL  
COMMITTEE

By:  4/20/17  
Richard Templeton Date


RESPONDENT SUSAN EDWARDS

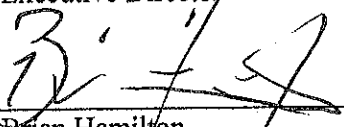
By:   
Susan Edwards Date  
4/20/17

RESPONDENT ELEANOR COVEY  
No Longer Associated with the  
Committee

By: \_\_\_\_\_  
Eleanor Covey Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  5/17/17  
James Klahr Date  
Executive Director

By:  4/17/17  
Brian Hamilton Date  
Attorney for Petitioner

**BEFORE THE  
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MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
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v.	)	
	)	
RAY COUNTY REPUBLICAN CENTRAL	)	Case No. 16-0109-I
COMMITTEE,	)	
	)	
AND	)	
	)	
SUSAN EDWARDS, TREASURER	)	
	)	
	)	
Respondents.	)	

**CONSENT ORDER**

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents Ray County Republican Central Committee, and Susan Edwards violated Sections 130.046.1, 130.046.5(2), 130.041.1(3), 130.041.1(4)(a)(b), and 130.041.1(9), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below.

The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

3. If Respondents commit any further violation of the campaign finance laws pursuant to Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondents committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 17<sup>th</sup> day of May, 2017

By:



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Nancy Hagan, Chair  
Missouri Ethics Commission